

Applicant or Patentee: Jonathan D. Cowan et al. Attorney's
Serial or Patent No.: Docket No.: ZH668/96001
Filed or Issued:
For: METHOD FOR DETERMINING AN INDIVIDUAL'S INTENSITY OF FOCUSED
ATTENTION AND INTEGRATING SAME INTO COMPUTER PROGRAM

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(b)) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified
below:

☒ an official of the small business concern empowered to
act on behalf of the concern identified below:

NAME OF CONCERN: Mindwaves, Ltd.
ADDRESS OF CONCERN: 1103 Hollendale
Goshen, KY 40026

I hereby declare that the above identified small business concern
qualifies as a small business concern as defined in 13 CFR
121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying
reduced fees under section 41(a) and (b) of Title 35, United
States Code, in that the number of employees of the concern,
including those of its affiliates, does not exceed 500 persons.
For purposes of this statement, (1) the number of employees of
the business concern is the average over the previous fiscal year
of the concern of the persons employed on a full-time, part-time
or temporary basis during each of the pay periods of the fiscal

year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled METHOD FOR DETERMINING AN INDIVIDUAL'S INTENSITY OF FOCUSED ATTENTION AND INTEGRATING SAME INTO COMPUTER PROGRAM described in

☒ the specification filed herewith

☐ application ser. no. _____, filed _____

☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are

required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jonathan D. Cowan

TITLE OF PERSON OTHER THAN OWNER General Partner

ADDRESS OF PERSON SIGNING 1103 Hollendale, Louisville, KY 40026

SIGNATURE Jonathan D. Cowan DATE 2/13/78

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR DETERMINING AN INDIVIDUAL'S INTENSITY OF FOCUSED ATTENTION AND INTEGRATING SAME INTO COMPUTER PROGRAM, the specification of which

(check one) x is attached hereto.

 was filed on as Application Serial No. and was amended on . (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | | | Priority Claimed | |
|------------------------------|--|--|------------------|--|
|------------------------------|--|--|------------------|--|

| | | | | |
|-----------------|-----------------------------|-----------------------------|---------------|---------------|
| <u> none </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |

| | | | | |
|-----------------------------|-----------------------------|-----------------------------|---------------|---------------|
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |

05025324-061998

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

| | |
|----------------------|---------------|
| <u>none</u> | |
| (Application Number) | (Filing Date) |
| | |
| | |
| (Application Number) | (Filing Date) |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|---------------------|---------------|--------------------------------|
| <u>n/a</u> | | |
| (Appln. Serial No.) | (Filing Date) | (Status) |
| | | (patented, pending, abandoned) |
| | | |
| | | |
| (Appln. Serial No.) | (Filing Date) | (Status) |
| | | (patented, pending, abandoned) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint James R. Higgins, Jr., Reg. No. 29,264, Charles G. Lamb, Reg. No. 24,783, James C. Eaves, Jr., Reg. No. 34,589, John F. Salazar, Reg. No. 39,353, and Daniel C. Stelter,

09026334-031999

Reg. No. 40,830 as my attorneys, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and I request that all communications concerning this application be addressed to James C. Eaves, Jr., Middleton and Reutlinger, 2500 Brown & Williamson Tower, Louisville, Kentucky 40202; telephone (502) 584-1135, or fax (502) 561-0442.

Full name of sole or first inventor: Jonathan D. Cowan

Applicant or Patentee: Jonathan D. Cowan et al. Attorney's
Serial or Patent No.: _____ Docket No.: ZH668/96001
Filed or Issued: _____
For: METHOD FOR DETERMINING AN INDIVIDUAL'S INTENSITY OF FOCUSED
ATTENTION AND INTEGRATING SAME INTO COMPUTER PROGRAM

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHOD FOR DETERMINING AN INDIVIDUAL'S INTENSITY OF FOCUSED ATTENTION AND INTEGRATING SAME INTO COMPUTER PROGRAM described in

- ☒ the specification filed herewith
☐ application ser. no. _____, filed _____
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern or organization

☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

FULL NAME Mindwaves, Ltd.

ADDRESS 1103 Hollendale, Goshen, Kentucky 40026

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

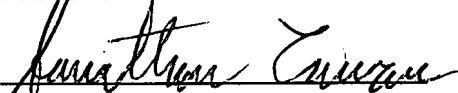
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

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entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

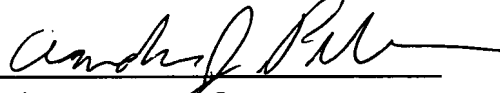
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Jonathan D. Cowan
NAME OF INVENTOR


Signature of Inventor

2/13/98
Date

Andrew J. Prell
NAME OF INVENTOR


Signature of Inventor

2/13/98
Date